

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

KEYPORT WAREHOUSING, INC., )  
                                  )  
Plaintiff / Counterclaim Defendant, )  
                                  )  
v.                               ) CIV. ACT. NO. 1:22-cv-100-TFM-M  
                                  )  
CROWN-LOXLEY I, LLC,        )  
                                  )  
Defendant / Counterclaim Plaintiff. )

**ORDER**

Now pending before the Court are: (1) Defendant/Counterclaim Plaintiff, Crown-Loxley I, LLC's *Motion for Summary Judgment* (Doc. 60, filed 2/24/23); (2) *Plaintiff/Counterclaim Defendant's Motion for Partial Summary Judgment as to Count I of Plaintiff's Complaint and as to Defendant's Amended Counterclaim* (Doc. 62, filed 2/24/23); and (3) *Plaintiff/Counterclaim Defendant's Motion to Exclude Proffered Expert Witness Reports, Opinions, and Testimony of Wesley C. Huang and Lewis E. Beville* (Doc. 63, filed 2/24/23). Having considered the motions, responses, replies, the evidentiary submissions in support of the motions, and the relevant law, it is ORDERED as follows:

1. Defendant/Counterclaim Plaintiff's Motion for Summary Judgment (Doc. 60) is **DENIED**.
2. Plaintiff/Counterclaim Defendant's Motion for Partial Summary Judgment (Doc. 62) is **GRANTED in part** and **DENIED in part**. It is granted as to Count I of the Plaintiff/Counterclaim Defendant's Complaint (Doc. 1-2) and it is denied as to Defendant's Amended Counterclaim (Doc. 24).

3. Plaintiff/Counterclaim Defendant's Motion to Exclude Proffered Expert Witness Reports, Opinions, and Testimony (Doc. 63) is **DENIED** as to full exclusion. The Court ultimately reviewed and considered the evidence presented, but found that even when considered, it did not change the result and therefore declines to wholesale exclude it. The Court notes that there are several evidentiary issues contained within the evidence which the Court will discuss further in its full Memorandum Opinion.

In accordance with this shortform ruling, the Court shall issue a Memorandum of Opinion and Order detailing the basis for this order within the next two (2) weeks.

**DONE** and **ORDERED** this the 29th day of September 2023.

/s/ Terry F. Moorer  
TERRY F. MOORER  
UNITED STATES DISTRICT JUDGE